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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,)
8 Plaintiff,) No. 4:25-CR-06020-MKD
9 vs.)
10) Motion to Reopen Detention
11 YAMILEX ATKINSON,) Hearing and for the Order of Release
12 Defendant.)
13)
14) With Oral Argument
15) September 4, 2025
16) 3:30 p.m. Richland, WA

17 Yamilex Atkinson, through counsel, Ricardo Hernandez, moves the Court to reopen the
18 detention hearing to requests her release from custody.

19 **Background**

20 The defendant is charged by indictment with Obstruction and Attempted Obstruction of the
21 Enforcement of Trafficking with Respect to Forced Labor and Obstruction and Attempted
22 Obstruction of the Enforcement of Sex Trafficking of Children and by Force, Fraud and Coercion.

23 **Analysis**

24 Under 18 U.S.C. § 3142(f)(2) a detention hearing may be reopened “at any time before
25 trial,” based upon new information relevant to the issue of the Court’s detention order. Mrs.
26 Atkinson’s Mother, Adela Chavez, has found a house to rent in Richland, WA, where Mrs.
27 Atkinson and her two daughters can live. The house is located at 910 Winslow Ave., Richland,
28 WA, 99352. Mrs. Chavez has agreed to co-sign a lease with Mrs. Atkinson. The house is available

MOTION TO REOPEN DETENTION HEARING

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1 immediately. Probation has informed Defense counsel that there appears to be no issues with the
2 proposed living arrangements.

3
4 The Court must consider several factors in determining whether pretrial release is
5 appropriate, including: (a) the nature and circumstances of the crime charged, (b) the weight of the
6 evidence, (c) the history and characteristics of the defendant, and (d) the nature and seriousness of
7 the danger to the community or individual. See 18 U.S.C. § 3142(g); United States v. Motamedi,
8 767 F.2d 1403, 1407 (9th Cir. 1985). Any “[d]oubts regarding the propriety of release should be
9 resolved in favor of the defendant.” Id.

10
11
12
13 **1. Mrs. Atkinson is not a serious risk of flight and conditions can be fashioned to**
14 **ensure her appearance.**

15 Mrs. Atkinson is not a serious flight risk, and pretrial detention is not justified on this basis.

16 Based on Mrs. Atkinson’s lifelong residence in the Tri-Cities, her risk of flight is minimal. Her
17 entire immediately family resides in the Tri-Cities area, including her Mother, and 8 siblings, as
18 well as her Grandma, and numerous extended family members.

19 The government bears the burden to show that no possible conditions could alleviate the risk of
20 flight, even in a presumption case, and it has not met the burden here. United States v. Bustamante
21 Conchas, 557 Fed. Appx. 803, 806 (10th Cir. 2014) (“Nor has the government shown that the
22 conditions the district court imposed on Bustamante will not alleviate the risk of flight.”)

23
24 **2. Mrs. Atkinson is not a danger to the community.**

25 Besides not being a serious flight risk, Mrs. Atkinson is also not a danger to the community,
26 and there are conditions that can be fashioned to “reasonably assure the public’s safety. See, e.g.,
27 United States v. Orta, 760 F.2d 887, 891 (8th Cir. 1985) (noting that “reasonably assure” does not

1 mean "guarantee"). The allegations in this case are serious, but as the Court is aware, Mrs.
2 Atkinson is still presumed innocent, and the nature and circumstances of the offense do not permit
3 a pretrial determination of guilt. Also, the weight of the evidence is given the least weight. See
4 Motamedi, 767 F.2d at 1408.

5 Accordingly, there is insufficient evidence upon which to detain Mrs. Atkinson for
6 dangerousness to the community. The government "must convince a neutral decision maker by
7 clear and convincing evidence that no conditions of release can feasibly assure the safety of the
8 community or any person." *United State v. Salerno*, 481 U.S. 739, 750 (1987). The government has
9 not met its burden here, and the Court can certainly impose reasonable conditions of release to
10 address any concerns about Mrs. Atkinson, and assure the safety of the community.

11

12

13

14 **3. Release Plan.**

15 To address any concerns the Court may have about risk of flight or danger to the
16 community, Mrs. Atkinson proposes these conditions of release:

17 a. Reside at 910 Winslow Ave, Richland, WA 99352
18 b. No use, or possession of firearms.
19 c. No use of controlled substances.
20 d. Report to the pretrial services' probation officer on a daily or weekly basis or as
21 directed.
22 e. GPS Monitoring

Conclusion

Mrs. Atkinson respectfully requests the Court to release her. She asserts there are a combination of conditions this court could impose to reasonably assure her appearance in court and the safety of the community.

Dated: August 29, 2025.

Respectfully Submitted,

s/ Rick Hernandez
Rick Hernandez

Certificate of Service

I hereby certify that on August 29, 2025 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Laurel Holland, Assistant United States Attorney.

s/ Rick Hernandez
Rick Hernandez